

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Christiaan Steenbergen, Ed Beeman, Dirk Erickson, Thomas L. Pratt,
Charles Robert Weirauch

Assignee: Dell Products L.P.

Title: Optical Medium Aligned Information System and Method

Serial No.: 10/722,268 Filed: November 25, 2003

Examiner: Adam Giesy Group Art Unit: 2627

Docket No.: DC-05754 Customer No.: 33438

Austin, Texas
January 16, 2008

Mail Stop Appeal Briefs - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR § 1.193

Dear Sir:

Applicants submit this Reply Brief pursuant to the Examiner's Answer mailed in this case on December 14, 2007. It is believed that no fees are due in connection with the filing of this Reply Brief, however, the Commissioner is authorized to deduct any amounts required for this Reply Brief and to credit any amounts overpaid to Deposit Account. No. 502264.

A. Claim 1

The Examiner relies on the reflective data layer to disclose a first set of information and the non-reflective data layer to disclose a second set of information. Applicant respectfully submits that the Examiner's interpretation fails to anticipate the first and second layers as recited by Claim 1. The second layer is "disposed over" the first layer so that the second set of information is disposed over the first set of information "to substantially overlap the first set of information." The Examiner's interpretation relies upon a common layer for both sets of information. Accordingly, Gotoh cannot anticipate Claim 1.

B. Claim 11

Claim 11 recites embedded information at first and second layers of an optical medium. Gotoh embeds the bar code on the same layer as other information and therefore cannot

anticipate Claim 11. To interpret the first and second layers recited by Claim 11 as a common layer is to ignore the plain meaning of the claim language which requires separate layers. Accordingly, Gotoh cannot anticipate Claim 11.

C. Claim 17

The Examiner states that the first and second layers recited by Claim 17 are anticipated by Gotoh, which embeds a bar code by removing the reflective properties of at a data layer of an optical medium. The language of Claim 17 requires information on a first layer and a second layer and therefore excludes information embedded on a common layer, as is disclosed by Gotoh. The Examiner states that Gotoh has dual reflective layers but is unclear as to whether this disclosure is relied upon to reject Claim 17. Applicants respectfully submit that only one reflective layer is readable by Gotoh at a time since a dual layer optical medium must typically be turned over in the optical drive to read opposing sides. Thus, Gotoh only uses one layer to determine identification information as recited by Claim 17. Accordingly, Applicants respectfully submit that Gotoh cannot anticipate Claim 17.

For the above reasons, Applicants respectfully submits that the Examiner's rejections of Claims 1 – 20 are unfounded and should be reversed.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on January 16, 2008.

/Robert W. Holland/

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Respectfully submitted,

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